

FAO Wendy McKay

Dear Planning Inspectorate

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by North Falls Offshore Wind Farm Ltd for an order granting development consent for the North Falls Offshore Wind Farm project

Request for further information – NatureScot advice

Thank you for consulting NatureScot in respect of the above offshore wind proposals and its consideration during the PINS process. You have asked NatureScot to consider specifically 2 questions, please see our advice below.

Please note our answers are based on a rapid read of the documentation submitted to the hearing and from discussions with the applicant around their consideration of proposed red-throated diver compensation measures – they are not based on a comprehensive review of all material due to limited resources and a high caseload of Scottish marine energy projects.

1 Is NatureScot in agreement with the proposed without prejudice compensation measures in Scotland for red-throated divers? If not, please set out any concerns and how they may be managed.

We are aware of, and have had, some preliminary discussions with the applicants in respect of red-throated diver compensation on a without prejudice basis. The detail of the measures is still relatively at an early stage, dependent on the outcome of surveys being carried out during the breeding season this year. The measures currently being proposed have a geographical focus in Scotland with a particular emphasis on Shetland.

We have raised practical aspects around the site selection due to the remote nature of lochs and lochans as well as the ability to secure landowner permission. Additionally, with respect to peatland restoration, there may be aspects around this that could be linked to or impact on Scotland's peatland restoration programme^[1] and we have requested the applicants to consider this further when choosing sites and drawing up their more detailed plan. We await further detail on sites to be selected and measures to be implemented post this year's surveys. Lastly, when choosing sites, we advise the applicant that consideration should also be given to likelihood of predator impacts e.g. mink, stoats, rats etc.

In terms of monitoring success, there are several aspects around this we wish to raise:

- Monitoring of implementing agreed measures i.e. are the actions carried out as agreed within any final derogation plan
- Monitoring of efficacy and success – this is different to the above and relates to the proposition that the measures will increase productivity of red-throated divers during breeding - we note previous comments by both RSPB and Natural England on the

^[1] <https://www.nature.scot/climate-change/nature-based-solutions/nature-based-solutions-practice/peatland-action>

- suggested period of monitoring of 3 years and agree this period is too short
- Monitoring of impacts on nearby SPAs – in our view the possibility of negative impacts to nearby SPAs has not adequately been considered. By implementing measures for red-throated diver outside of the European site network it is possible that unintended shifts in distribution, or population decline, of birds within SPAs may occur.

For both aspects monitoring should be carried out based on agreement with ourselves and Natural England for the period from consent to decommissioning of the windfarm, if consented. Also, the European site network and individual sites designated with red-throated divers as a feature are not monitored annually, but on a more cyclical basis, we advise that monitoring of efficacy and success will need to be tied into the cycle of site condition monitoring.

2 Does NatureScot have any other comments to make on the Applicant's without prejudice compensation details related to red-throated diver compensation delivery or effectiveness?

We are aware that in early discussions around red-throated diver compensation package, the applicant had originally considered the delivery of measures in Finland - this was due to the red-throated divers observed during the winter within the proposed offshore wind site, likely to originate from breeding sites in the Baltic states. We consider delivery of measures in Finland might have made more ecological sense due to the direct connectivity between the Finnish breeding sites and the overwintering locations in the Southern North Sea and around the Thames, but understand concerns were raised about the ability to implement measures outside of the UK.

At this stage we consider there is still significant detail to be provided on a derogation case with a plan of compensation measures for red-throated diver, (if it is ascertained there is an adverse effect on red-throated divers in the Outer Thames Estuary SPA from this offshore wind proposal), including site selection, management actions – whether it be siting of rafts, shoreline (peatland) management or both, monitoring arrangements and any adaptive management measures. We also provide some more fundamental thoughts around cross border compensation considerations below.

This case and others where there are proposals for cross border compensation measures – raise some fundamental questions, which NatureScot advise require further consideration by UK competent authorities as well as the SNCBs. These include:

- Removal of compensation and/ or mitigation opportunities for projects within the receiving jurisdiction, including for other industries etc.
- Unintended consequences of implementing compensation measures at a distance from where predicted impacts could occur at an offshore windfarm – these could include impacts to:
 - Receiving communities
 - Increased resource demand on the receiving SNCB, including input to the planning process, provision of advice, review of monitoring and analysis and any adaptive management requirements, as well as impacts on the existing European site network and the impacted feature(s)
 - Nearby European sites.
- How do compensation measures fit into any requirement for community benefit from

offshore windfarms? Whilst it is accepted there may be ecological benefits there may consequences for communities.

- Consideration of how receiving community representatives can interact and contribute to the planning process and consideration in real time and not after the event.

I trust our advice is helpful, if you require any further clarification please do not hesitate to contact myself (contact details below) or [REDACTED] –

[REDACTED] [\[REDACTED\]@nature.scot](mailto:[REDACTED]@nature.scot) phone [REDACTED] or marineenergy@nature.scot.

Yours faithfully

[REDACTED]

Head of Marine Energy, Sustainable Coasts and Seas

Contact: [REDACTED] [\[REDACTED\]@nature.scot](mailto:[REDACTED]@nature.scot) / [REDACTED]

Cc [REDACTED] – Principal Adviser – Natural England [REDACTED] [\[REDACTED\]@naturalengland.gov.uk](mailto:[REDACTED]@naturalengland.gov.uk)